

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER DISASTER	:	21 MC 100 (AKH)
SITE LITIGATION	:	(All Cases)
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IN RE COMBINED WORLD TRADE CENTER	:	21 MC 103 (AKH)
AND LOWER MANHATTAN DISASTER SITE	:	(All Cases)
LITIGATION (straddler plaintiffs)	:	
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**DECLARATION IN SUPPORT OF JOINT MOTION TO
DISMISS CLAIMS AGAINST TAYLOR RECYCLING
FACILITY, LLC**

CHRISTOPHER R. LOPALO, an attorney duly licensed to practice before the Courts of the State of New York and admitted to the bar of this Honorable Court hereby declares under penalty of perjury:

1. I am associated with Worby Groner Edelman & Napoli Bern, LLP (“WGENB”), Plaintiffs’ Co-Liaison Counsel and submit this Declaration in support of the Joint Motion for Dismissals against defendant Taylor Recycling Facility, LLC (“Taylor”).

2. On November 15, 2010 the Court approved the Plaintiffs’ settlement with the Fresh Kills Defendants (“Settlement”). *See* Order Approving Settlements dated November 15, 2010 attached hereto as Exhibit “1”.

3. Since then Taylor’s insurers have reached an agreement on the how much money each of Taylor’s insurers will contribute to the \$8,100,000.00 Taylor settlement.

4. Pursuant to this Court’s Order dated January 3, 2011, Plaintiffs were given leave to seek voluntary dismissals by motion, if fewer than all Defendants are to be dismissed. *See* Order dated January 3, 2011 attached hereto as Exhibit “2”.

5. Attached hereto as Exhibit “3” is a stipulation of dismissal with prejudice of certain Plaintiffs claims against Taylor. These plaintiffs have decided to opt-in to the settlement with Taylor.

6. Attached hereto as Exhibit “4” is a stipulation of dismissal with prejudice of certain Plaintiffs’ claims against Taylor. These plaintiffs are derivative plaintiffs who have claims that derive and depend upon the claim of their settling spouse who is the Primary Plaintiff who have opted in to the settlement with Taylor. Some of these same derivative plaintiffs were also subject to the Court’s Order dated December 30, 2010 for failing to properly execute their release pursuant to the World Trade Center Litigation Settlement Process Agreement, As Amended. *See* Exhibit “5”.

7. Since the Primary Plaintiffs in the cases listed on Exhibit “4” have signed releases for the Taylor settlement but the Derivative Plaintiffs have not, although given opportunity to do so, we respectfully request the Court to dismiss all of the derivative claims listed on Exhibit “4” so all Plaintiffs who have opted in to the settlement with Taylor can be paid.

8. Pursuant to the Taylor settlement, Plaintiffs who participate in the Settlement shall dismiss with prejudice and without exception, all of their debris handling claims against Taylor.

9. Accordingly, the plaintiffs’ respectfully request that this Court “So Order” the stipulations of dismissal with prejudice that are attached hereto as Exhibit “3” and Exhibit “4”.

10. Taylor joins in this request.

Dated: New York, New York
June 9, 2011

/s/ Christopher R. LoPalo
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